BORA LASKIN LAW LIBRARY
3 1761 03328 4100

PROPERTY LAW

CASES AND MATERIALS

VOLUME II

Arnold Weinrib
Faculty of Law
University of Toronto

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto

1995 - 96

Storage
KF
560
W44
1995
v.2

Storage

AWQ 0237
BORA LASKIN LAW LIBRARY
JAN 10 1996
FACULTY OF LAW
UNIVERSITY OF TORONTO

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

PROPERTY LAW

CASES AND MATERIALS

VOLUME II

Arnold Weinrib
Faculty of Law
University of Toronto

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto

1995 - 96

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/propertylawcases02wein_2

LANDLORD AND TENANT

A. The Relationship and its Consequences

1. TENANTS AND LICENSEES

Re B.A. Oil and Halpert 1
Shell-Mex and B.P. Ltd. v. Manchester Garages Ltd. 10
Street v. Mountford 13
Family Housing Association v. Jones 18

2. CONSEQUENCES OF THE LEASEHOLD RELATIONSHIP

Stewart v. Child's Co. 27
Goldhar v. Universal Sections and Mouldings Ltd. 28
Highway Properties Ltd. v. Kelly, Douglas and Co. 40
North Bay T.V. and Audio Ltd. v. Nova Electronics 49
Note: Keneric Tractor v. Langille 54

B. Landlord's Obligations

1. QUIET ENJOYMENT

Owen v. Gadd 55
Kenny v. Preen 60
Note 64

2. NON-DEROGATION FROM GRANT

Harmer v. Jumbil (Nigeria) Tin Areas Ltd. 66
Caplan v. Acadian Machinery Ltd. 69
Port v. Griffith 70
Note 74

3. FITNESS FOR USE

Smith v. Marrable 75
Sutton v. Temple 77
Hart v. Windsor 78
Bryner v. Thompson 81
Note 82
Barrett v. Lounova (1984) Ltd. 83
Johnson v. Givens 89

4. STATUTORY DUTY TO REPAIR

Pajelle Investments Ltd. v. Herbold 94
Note 101
McQuestion v. Schneider 102
Note 104

C. Tenant's Obligations

Landlord and Tenant Act 105

1. PAYMENT OF RENT AND DEFENCES FROM RENT ACTIONS

(a) Surrender and Abandonment

Note 108
Windmill Place v. APECO of Canada Ltd. 109
Toronto Housing Co. Ltd. v. Postal Promotions Ltd. (Ont H.C.) 113
Toronto Housing Co. Ltd. v. Postal Promotions Ltd. (Ont. C.A.) 118

(b) Frustration

Waddams, "The Law of Contracts" 120
Note 121

(c) Illegality

Note 122

2. RESTRICTIONS ON USER AND DUTY TO REPAIR

McQuaig v. Lalonde 123
Note 127
Norbury Sudbury Ltd. v. Noront Steel (1981) Ltd. 128

3. RELIEF FROM FORFEITURE

Re Jeans West Unisex Ltd. and Hung 141
Note 146

D. Transfer by the Tenant

1. CONSEQUENCES OF TRANSFER

Francini v. Canuck Properties Ltd. 148

2. NEED FOR LANDLORD'S LEAVE

Wakefield v. Cottingham 151
Lifshitz v. Forest Square Apts. Ltd. 159

3. REASONABLENESS OF LANDLORD'S REFUSAL

Landlord and Tenant Act	163
Houlder Bros. and Co. v. Gibbs	164
Note	174
Re Griff and Somerset Management Services Ltd.	176
Federal Business Development Bank v. Starr et al.	179